

§ 578.3

32 CFR Ch. V (7-1-99 Edition)

(1) To include the three categories of awards, namely: decorations, Good Conduct Medal, and service medals; or

(2) To refer to the distinctive physical device of metal and ribbon which constitutes the tangible evidence of an award.

(q) *Officer*. Except where expressly indicated otherwise, the word “officer”

means “commissioned or warrant officer.”

[21 FR 7672, Oct. 6, 1956, as amended at 26 FR 6434, July 18, 1961]

§ 578.3 General provisions governing the awards of decorations.

(a) *To whom awarded*. See figure 1.

FIGURE 1—ARMY PERSONAL DECORATIONS

Decorations (Listed in order of precedence)	Awarded for—			Awarded by—		Awarded to—			
	Heroism		Achievement or service	Under war criteria ^a	Under peace criteria ^a	Military		Civilian	
	Combat	Non-Combat				U.S.	Foreign	U.S.	Foreign
MILITARY									
Medal of Honor (Est. 1862)	X			(1)		War ^b	War	War ^c	War. ^c
Distinguished Service Cross (Est. 1918).	X			(3)		War			
Distinguished Service Medal (Est. 1918).			X	(2)	(2)	War	War ¹	War ^{c 1}	War. ^{c 1}
Silver Star (Est. 1918)	X			(3)		Peace.	War	War ^c	War. ^c
Legion of Merit (Est. 1942)			X	(4)	(2)	War	War.		War. ^{c 1}
Distinguished Flying Cross (Est. 1926).	X ^e	X ^e	X ^e	(3)	(2)	Peace ^d .	War		War. ^c
Soldier's Medal (Est. 1926)		X		(3)	(2)	Peace.	War		
Bronze Star Medal (Est. 1944)	X ^f		X	(3)		Peace.	War	War	War. ^c
Air Medal (Est. 1942)	X ^e		X ^c	(3)	(2)	War	War	War	War. ^c
Army Commendation Medal (Est. 1945).		X	X	(3)	(5,2)	Peace.			
Purple Heart (Est. 1782; Revived 1932).	Wounds		(6)		War	Peace ^k .	War.		
NONMILITARY									
Medal for Merit (Est. 1942)	X		X	(1)	(1)	War	War	War ¹	War.
National Security Medal (Est. 1953)		X	X	(1)		Peace	Peace	Peace	War.
Medal of Freedom (Est. 1942)	X	X	X	(4)	(3)		Peace ^g	Peace ^h	Peace. ^g
Distinguished Civilian Service Medal (Est. 1957).			X		(2)			Peace ⁱ	Peace.
Outstanding Civilian Service Medal (Est. 1960).			X		(2)			Peace ⁱ	Peace.

¹ President of the U.S. He may award all decorations; only he may award the Medal of Honor.

² Secretary of the Army. Secretary of Defense awards the LM to foreign military personnel.

³ Senior Army commander of any separate force. He may delegate his authority to (a) any subordinate commander in the grade of major general or higher and (b) any brigadier general who commands a tactical unit, and, as such, occupies a position vacancy of a major general. Exception: Authority to award the DSC to foreign personnel is retained by the Secretary of the Army.

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- ⁴ Commanders specifically designated by the Secretary of the Army (usually theater commanders).
- ⁵ Commander in the grade or position of major general or higher, heads of Hq DA Staff agencies.
- ⁶ Commander of any separate force in the grade or position of a major general or higher. He may delegate his authority to any field grade officer.
- ^a Peace criteria apply to all personnel in times of total peace, similarly, war criteria apply to all personnel in times of formal declared war plus 1 year thereafter. When no formal war has been declared but the U.S. is engaged in military operations against an armed enemy, all personnel in the combat zone and certain individuals in the communications zone (i.e., only those whose duties involve direct control or support of combat operations) are considered under war criteria; all remaining personnel are considered under peace criteria.
- ^b Army Medal of Honor is awarded only to Army officer and enlisted personnel.
- ^c Not usually awarded to these personnel.
- ^d Awarded to foreign military in one of four degrees. The degrees of Chief Commander and Commander compare to award of the DSM to U.S. military, the degrees of Officer and Legionnaire compare to award of the LM to U.S. military. Second or succeeding awards of this decoration must be in the same or a higher degree than the previous award.
- ^e Must meet requirement "while participating in aerial flight."
- ^f Must meet requirement "in actual ground combat" for valor, awarded with a bronze star "V" device to distinguish from an award made for achievement or service.
- ^g Awarded to foreign personnel in one of four degrees: Gold Palm (corresponds to LM, Chief, Commander degree); Silver Palm (corresponds to LM, Commander degree); Bronze Palm (corresponds to LM, Officer and Legionnaire degrees); and without Palm (corresponds to Bronze Star Medal). Only one Medal of Freedom, either with or without palm, is awarded to any one person. Second and successive awards may be evidenced by the addition of a palm of a higher degree.
- ^h The meritorious act or service must be of degree required for the award of the BSM to U.S. military. Usually awarded for acts or services performed within an active theater of operations, never for acts or services performed within continental limits of the United States.
- ⁱ Not awarded for service rendered as a Department of the Army employee.
- ^j Last awarded in 1952.
- ^k Never awarded to officers of general rank.

(b) *Recommendations.* (1) It is the responsibility and privilege of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration to submit a recommendation for consideration. It is usually desirable that the intended recipient not be informed of a pending recommendation or given an implied promise of an award prior to final approval and clearance. This is especially true when the intended recipient is a foreigner.

(2) Recommendations may be submitted in letter form but it is preferable that DA Form 638 (Recommendation for Award (Heroism, meritorious achievement or service)) be used. This form is self-explanatory; however, close attention to detail is most essential. A separate recommendation including a proposed citation will be submitted for each proposed award and only one proposed recipient will be named in a single recommendation. Lucid reporting of facts, not flowery generalities, will be most likely to achieve the object of the recommendation. Statements of eye-witnesses, extracts from official records, sketches, maps, diagrams, photographs, etc., will be attached to support and amplify stated facts. Statements must be signed and the signer clearly identified by his organization or address; if in the military service the service number should be included. All other documentation should be authenticated and related to the basic recommendation. The proposed citation usually will be limited to one typewritten page (8 by 10½ inches) double spaced.

(3) To be fully effective a decoration must be timely. Undue delay in the submission of a recommendation may preclude its consideration as noted in paragraph (m) of this section. It is highly desirable that a recommendation be placed in military channels and acted on as quickly as possible. If circumstances preclude submission of a completely documented recommendation it is best to submit it as soon as possible and note that additional data is to be submitted later. Action by intermediate headquarters and by the final approving authority will be as ex-

peditious as possible, consistent with full and weighted judgment.

(4) A recommendation for the award of a decoration based on a period of meritorious service will not normally be acted on more than 30 days prior to the projected end of that period. Such an award normally will not be made until the duties which the individual has been performing are terminated. When an individual departing an organization or installation desires to initiate a recommendation for an award for meritorious service for an individual who is remaining in the command, he should leave the recommendation in written form with the commanding officer or with his own successor for final action when the person recommended becomes eligible for consideration, as indicated in paragraphs (b)(1) to (4) of this section.

(5) Recommendations for all awards which may not be finally acted on in the field pursuant to delegated authority will be forwarded through channels to The Adjutant General, or directly to The Adjutant General if the use of military channels is impracticable. Each intermediate headquarters will express approval or disapproval, indicating reasons if disapproved. When an interim award is made a copy of the orders and citation will be added to the recommendation when it is forwarded.

(c) *By whom awarded—wartime criteria.* The award of the Medal of Honor is made by the President. Awards of other decorations are made by the President, the Secretary of Defense, and the Secretary of the Army, except that during a period when wartime criteria apply, authority to award decorations is delegated as follows:

(1) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, and Commendation Ribbon with Metal Pendant may be awarded to members of the Armed Forces of the United States by the senior Army commander of any separate force or by subordinate commanders to whom he may delegate this authority, provided that the authority will not be delegated to any commander below the grade of major general. Authority may be delegated to any commander in the grade of brigadier general while he is

in command of a tactical unit and, as such, is occupying the established position vacancy of a major general. No award will be made under the provisions of this paragraph to a member of another United States Armed Forces service without the concurrence of the respective senior commander present.

(2) The Distinguished-Service Cross and Silver Star may be awarded by the commanding general of a United States Army force in a theater of operations to officers and members of crews of ships of the United States Merchant Marine serving under his jurisdiction.

(3) The Legion of Merit may be awarded only by commanders specifically designated by the Secretary of the Army.

(4) The Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, and Air Medal may be awarded by the commanders indicated in paragraph (c)(1) of this section, to members of the armed forces of friendly foreign nations, provided concurrence has been obtained from the senior commander present in the theater of hostilities for an award to one of his own nationals, except as shown in paragraphs (c)(4) (i) and (ii) of this section. Such concurrence will be regarded as constituting approval by his government for acceptance of the award. A recommendation for any of these awards will be forwarded to the Department of the Army when:

(i) The senior commander of a co-belligerent force is unable to obtain the approval of his government.

(ii) An award to a flag or general officer or to the senior officer of the co-belligerent force present in the area is contemplated.

(5) The Purple Heart may be awarded by the commanding general of any separate force who is in the grade or position of a major general or higher or by any field grade officer to whom he may delegate the authority. The award may be made to members of the Armed Forces of the United States, to officers and members of crews of ships of the United States Merchant Marine serving within the area of his command, to civilian citizens of the United States serving with the Army, and to civilian citizens of the United States whose presence within the command has been

approved (examples: war correspondents, Red Cross, and USO personnel).

(6) The Medal of Freedom may be awarded by such officers as may be designated by the Secretary of the Army.

(7) The National Security Medal shall be awarded by the President or his designee for that purpose under either wartime or peacetime criteria.

(d) *By whom awarded; peacetime criteria.* (1) Awards for peacetime service are made by the President, the Secretary of Defense, and the Secretary of the Army.

(2) No peacetime award of an Army decoration will be made to a member of another United States Armed Forces Service without concurrence from the military department concerned.

(3) The Legion of Merit, the Soldier's Medal, the Army Commendation Medal, the Decoration for Distinguished Civilian Service and the Outstanding Civilian Service Award are the only United States decorations which may be awarded by the Department of the Army to foreign nationals under peacetime criteria. The Bronze Star Medal may be awarded by the Department of the Army to foreign nationals under peacetime criteria during a period and in specified areas where United States troops are engaged in military operations involving conflict with an opposing foreign force or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(4) Authority to award the Joint Service Commendation Medal has been delegated by the Secretary of Defense to:

(i) The Deputy Secretary of Defense for awards to military personnel assigned to the Office of the Secretary of Defense.

(ii) The Chairman, Joint Chiefs of Staff for awards to military personnel on his staff, and in those agencies and activities reporting through his staff.

(iii) Director, Defense Supply Agency for awards to military personnel on his staff.

(iv) Director, National Security Agency for award to military personnel on his staff.

(v) Commanders in Chief of Unified and Specified Commands, for awards to military personnel assigned to their respective headquarters and to those joint agencies and activities reporting to or through their commands.

In wartime, this authority may be further delegated at the direction of the Secretary of Defense.

(5) The Army Commendation Medal may be awarded for heroism, meritorious achievement or meritorious service by any commander in the grade or position of a Major General or higher and by the heads of Headquarters Department of the Army staff agencies to members of the Army of the United States below the grade of Brigadier General. The Army Commendation Medal may be awarded by the appropriate commander as an interim award in accordance with paragraph (g) of this section in those cases involving heroism and for which a recommendation for the award of the Distinguished Flying Cross or the Soldier's Medal has been submitted. Awards of the Army Commendation Medal may also be made under the provisions of AR 672-301 (Incentive Awards).

(6) The National Security Medal is awarded as noted in paragraph (c)(7) of this section.

(e) *Civilian components.* Awards of the Soldier's Medal, Distinguished-Flying Cross, Air Medal, and Commendation Ribbon with Metal Pendant may be made by the Secretary of the Army to members of the civilian components of the Army not in Federal service or on active duty for acts and services incident to membership in such civilian components or directly related to attendance on occasions of military duty.

(f) *Posthumous awards.* Awards may be made following the decease of the person being honored in the same manner as they are made for a living person except that the orders and citation will indicate that the award is being made posthumously. Engraved certificates for presentation with the decorations will not contain the word posthumous. When the next of kin resides in the United States, orders announcing the award, together with the citation and related papers will be forwarded to The Adjutant General who will cause presentation to be made. El-

igible classes of next of kin are listed in the order of their precedence in § 578.25a(b).

(g) *Interim awards.* To insure prompt recognition of an act, achievement, or service, the award of a suitable lesser military decoration may be made by appropriate authority pending final action on a recommendation for a higher award. Each such lesser award will be revoked simultaneously with an award of a higher military decoration for the same act.

(h) *Awards of a lower decoration.* When an interim award has not been made as provided in paragraph (g) of this section, the commander having authority to take final action in the case may award a lower decoration in lieu of the one recommended.

(i) *Duplication of awards.* Only one military decoration will be awarded for the same act, achievement, or period of meritorious service. An award for meritorious service may include meritorious achievements, but duplicating awards will not be made for meritorious achievement and meritorious service involving the same period of time. Continuation of the same or similar type service already recognized by an award for meritorious service will not be given a second award. If appropriate, an award may be made to include the extended period of service by superseding the earlier award, or if considered appropriate by the awarding authority, and desired by the individual, the award previously made may be amended to incorporate the extended period of service. An award for heroism performed within a period which is recognized by an award for meritorious service is not a duplication.

(j) *Conversion of awards.* Awards of certain decorations on the basis of existing letters, certificates, and/or orders, as hereinafter authorized will be made only upon letter application of the individuals concerned to The Adjutant General, Washington, DC 20310. If possible, the applicant for the conversion of an award of the Bronze Star Medal or Commendation Ribbon should inclose the original or a copy of the documentation which he wishes to have considered, or furnish all possible details as to time, place, and deed or

service to assist in locating any copy of the commendation which may have been recorded.

(k) *Character of service.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service shall not have been honorable. The Act of July 9, 1918 (40 Stat. 871) as amended (10 U.S.C. 1409); the Act of July 2, 1926 (44 Stat. 789), as amended (10 U.S.C. 1429).

(l) *Disapproval of awards.* Whenever a recommendation for the award of a decoration is disapproved, the disapproving officer will indicate the specific reason or reasons for such action. The disapproval of a recommendation by an officer subordinate to the commander having authority to award the decoration will not constitute authority for the return of the recommendation to the initiator, except that recommendations for an award for meritorious service which describe only performance of normal duty in time of peace will be automatically disapproved and returned to the initiator. All recommendations which have been finally disapproved by the commander having authority to award the decoration recommended will be considered by that commander for the award of a lesser but appropriate decoration which, if approved, will be forwarded in lieu thereof. All disapproved recommendations will be returned to the initiator if he is in the military service and will be returned through the same channels employed for forwarding.

(m) *Time limitations.* By operation of law a military decoration will not be awarded more than 3 years after the action or period of service being honored, and in each instance the recommendation for an award must be formally entered into military channels within 2 years of the date of the act, achievement, or service to be honored.

(1) Awards of military decorations may be made in cases where prior similar recommendations have been acted upon by commanders who had authority to approve the awards, provided the requests for reconsideration or upgrading are submitted within the time limits prescribed above and such requests are accompanied by new and material evidence in support thereof.

(2) Awards of military decorations may be made in recognition of previously issued orders, letters, or certificates, and in exchange of decorations as may be authorized in this section.

(n) *Announcement of awards.* All awards made pursuant to delegated authority will be announced in general orders by the commander authorized to make the award. Complete citations for acts of heroism are normally included in orders announcing the award. Orders announcing awards for meritorious achievement and meritorious service normally include only the places and inclusive dates of such achievements and services; the complete citation is then prepared separately for presentation and record purposes. Awards made by the President and the Secretary of the Army will be announced in Department of the Army General Orders when appropriate.

(o) *Recording of awards.* The award of a military decoration will be entered in the personnel records of the recipient and in the unit history of his organization in the manner prescribed in Army regulations.

(p) *Engraving of awards.* The Medal of Honor is engraved with the grade, name, and organization of the recipient. The Medal of Freedom is engraved on the edge, and the reverse of all other decorations is engraved with the name of the recipient. Normally, engraving will be accomplished prior to presentation. When this is impracticable, the recipient will be advised of his privilege to mail the decoration to Commanding General, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania, for engraving at Government expense.

(q) *Presentation of decoration—(1) Medal of Honor.* The Medal of Honor is usually presented to living recipients by the President of the United States at the White House. Posthumous presentation to the next of kin is normally made in Washington, DC, by the President or his personal representative.

(2) *Other United States military decorations.* Presentation will be timely. They will be made with an appropriate air of formality and with fitting ceremony.

(3) *Conversion awards.* Conversion awards are not usually presented with

formal ceremony, however, such presentation may be made at the discretion of local commanders.

(4) *Act of presentation.* A decoration may be pinned on the clothing of the recipient, whether in uniform or civilian clothing or on the next of kin in the case of an award following death; however, this will not be construed as authority for any person other than the individual honored by the decoration to wear it. As an alternative to pinning the decoration, it may be handed to the recipient in an open decoration container.

[21 FR 7672, Oct. 6, 1956, as amended at 21 FR 10010, Dec. 18, 1956; 24 FR 1790, Mar. 12, 1959; 26 FR 6434, July 18, 1961; 29 FR 527, Jan. 22, 1964]

§ 578.4 Medal of Honor.

(a) *Criteria.* The Medal of Honor, established by Joint Resolution of Congress, 12 July 1862 (amended by Act of 9 July 1918 and Act of 25 July 1963) is awarded in the name of Congress to a person who, while a member of the Army, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party (figure 1). The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit. Eligibility is limited to members of the Army of the United States in active Federal military service.

(b) *Description.* A gold-finished bronze star, one point down, $1\frac{1}{16}$ inches in diameter with rays terminating in trefoils, surrounded by a laurel wreath in green enamel, suspended by two links from a bar bearing the inscription "Valor" and surmounted by an

eagle grasping laurel leaves in one claw and arrows in the other. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress To." The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a light-blue moired silk neckband, $1\frac{3}{16}$ inches in width and $21\frac{3}{4}$ inches in length, behind a square pad in the center made of the ribbon with the corners turned in. On the ribbon bar are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars and one chevron of 3 stars. A hexagonal rosette of light-blue ribbon $\frac{1}{2}$ inch circumscribing diameter, with a fan-shaped ribbon insert showing white stars, is included for wear on civilian clothing.

(c) *Medal of Honor Roll.* The Medal of Honor Roll was established by Act of Congress, April 27, 1916, as amended, 38 U.S.C. 560. It provides that each Medal of Honor awardee may have his name entered on the Medal of Honor Roll. Each person whose name is placed on the Roll is certified to the Veterans' Administration as being entitled to receive a special pension of \$100 per month for life, payable monthly by that agency. The payment of this special pension is in addition to, and does not deprive the pensioner of any other pension, benefit, right, or privilege to which he is or may thereafter be entitled. A written application must be made by the awardee to have his name placed on the Medal of Honor Roll and to receive the special pension. For Army personnel, proper blanks and instructions shall be furnished without charge upon request to The Adjutant General, Department of the Army, Washington, DC 20314, Attention: AGPB-AC. The application must bear the full personal signature of the applicant.

(d) *Additional benefits.* (1) Air transportation: See AR 96-20 (Army Regulations pertaining to Air Transportation).

(2) Sons of winners of the Medal of Honor, otherwise qualified for admission to the United States Military Academy, will not be subject to quota